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4/24/24

CARVER CONSERVATION COMMISSION  
MINUTES OF APRIL 10, 2024 MEETING

Present: Chairman Savery Moore, Ann Chadwick-Dias, Curtis Lake, Karl Miller, Environmental Agent Emil Assing, Former Environmental Agent Gary Flaherty (remotely) and Recording Secretary Ashley Swartz.

Absent: Vice Chair David Hall

Mr. Moore opened the meeting at 7:01 PM.

**DISCUSSION/BUSINESS**

**Certificate of Compliance Request for #SE126-652 (Continued from 3/20 meeting)**

6 Crescent Street – the Commission had a site visit and they said the plans were slightly different than what was submitted as well as address the garbage on site. They have been asked to submit “as built” plans. The Conservation posts, new driveway and retaining wall have now been marked. The garbage has since been removed. There is a temporary carport that is outside the 65-foot buffer that he is using to cover one of his vehicles. He plans to have a garage in the future. Mr. Moore noted that he was pleased with what he saw. Motion to approve the COC made by Ms. Chadwick-Dias, seconded by Mr. Lake, approved unanimously 4-0-0.

**Certificate of Compliance Request for #SE126-367**

Bill Madden and JF Engineering – AD Makepeace properties. Cranberry related project – pond constructed under land and agricultural use. This wasn’t picked up by the title insurance company and was completed roughly ten years ago. Motion to approve COC made by Mr. Lake, seconded by Mr. Miller, approved unanimously 4-0-0.

**Certificate of Compliance Request for #SE126-303**

Bill Madden and JF Engineering – AD Makepeace properties. ORAD that has since expired. He said they would file if any new projects came, motion to approve the COC made by Mr. Lake, seconded by Mr. Miller, approved unanimously 4-0-0.

**Certificate of Compliance Request for #SE126-309**

Bill Madden and JF Engineering – AD Makepeace properties. This is for a bog which has been completed to plan. Ms. Chadwick-Dias asked why these were coming to them now – Mike McVay from Makepeace said they are looking at a potential sale and when they researched the parcels they found these COC’s. Motion to approve the COC made by Mr. Lake, seconded by Mr. Miller, approved unanimously 4-0-0.

**Certificate of Compliance Request for #SE126-310**

Bill Madden and JF Engineering – AD Makepeace properties. This is for a single-family dwelling. The project has been completed according to plans. Bill said this COC included conditions that are regulatory conditions that were redundant to the by-laws. There are four conditions that have been requested to be removed since they are not applicable. Mr. Moore explained that the by-laws set these duplicate

conditions so do not have to be explicitly stated. Emil explained that these are often extra measures but agreed that the conditions put in place were unnecessary. The property owner would still need to file for any new projects, even with these conditions removed. Motion to approve the COC made by Ms. Chadwick-Dias, seconded by Mr. Lake, approved 4-0-0.

### **Certificate of Compliance Request for #SE126-36 (Partial COC)**

A law office reached out about this COC for a subdivision in 1981 issued to Myles Home Company off of Cranberry Road. The properties were listed on the order of conditions and partial COC's have been issued already for the property. This COC is to remove them off of this old permit. This property is located at 42 Priscilla Road. Mr. Moore asked how many properties are left to go. Emil explained that there are some complete COCs and some partials. Motion to approved the COC made by Mr. Lake, seconded by Mr. Miller, approved unanimously 4-0-0.

### **3 Year Extension Request – New Leaf Energy - #SE126-589**

Dean Smith and Matt Swansberg of New Leaf Energy requesting an extension because this is part of the Plymouth Group study and capital improvement program. They have been held up for a significant amount of time so they are asking to extend their Order of Conditions. They are calculating the expiration of May 3, 2024 and would like it extended to May 3, 2027. Motion to grant the three-year extension made by Mr. Miller, seconded by Mr. Lake, approved unanimously 4-0-0.

### **Discussion of Ward St. Order of Conditions – New Leaf Energy - #SE126-589**

Dean Smith and Matt Swansberg of New Leaf Energy. Matt explained they are looking for floating solar on the site – and discuss the best path forward - to amend the existing proposal (or would it be a new application). Dean showed the proposed plans stating they would like several arrays and floating solar in the man-made ponds on the site. The floating system is on a structure similar to a floating dock and the modules are on fixed tilts. Each module has its own float and connected in a series. There is a staging area on the side of the pond where they are assembled and then moved into the pond. The electrical equipment will be on the side of the pond and there would be anchoring necessary. Matt explained there are some rules around floating solar – they can't cover more than fifty percent and has to be a privately owned, man-made pond (these are holding ponds). Ms. Chadwick-Dias asked if there has been an environmental impact study done – Dean said they have had studies. He asked if they could amend the current order. Mr. Moore said he would like to have the group go out for a site visit and didn't see a need to have its own proposal but would like to see the launch areas and see the entire site's plans. Emil asked about the floating components – and where they would be located. Dean said they are roughly five feet by eight feet on a concrete slab and can be set back as far as the Commission would desire. This would include similar equipment for ground mounted solar and have flexibility as to where the equipment pad can be placed. Beals and Thomas also took a look at the site and did not note anything sensitive along the ponds that could be impacted by this project. Mr. Moore asked to provide literature for the floating solar for the Commission. Dean said he would have the proposed plans with them for the site visit.

### **Eversource Notification Letter of Right of Way Maintenance**

Emil shared a standard letter informing the Commission they will be doing routine maintenance and included a map of the location. They are offered certain exceptions for their projects so the letter is just to inform them the work will be done. Ms. Chadwick-Dias asked if there was an abutter's notice for work like this but Emil believes it is just the letter – Mr. Moore said that the easement is owned by the power company. No vote is required.

### **185-187 Meadow Street - Lauren Labbe**

Gary explained Lauren said she would be available but was not present. He continued to explain that Brad Holmes was in discussion with him to determine if the bog at the property was upland or wetland. Brad couldn't do it but recommended someone from the Worcester area. Gary said Art would be a good choice

but the property owners thought he was too far away so Gary said they need a soil scientist with a wetland background. The property owner has been issued a violation. DEP also issued a letter.

### **73 Crystal Lake Drive - continued from 3/20 meeting**

The Commission took a look at the trees on the property – the property owners are concerned about trees that they would like to take down since they could be a danger to the home. Mr. Moore stated they wanted to discuss the four trees adjacent to the town property. These are tall pines that grow together and the three pines are heavily vegetated towards the house (a threat) and the fourth is dead (also a threat). Emil added these are old, massive trees and can be really dangerous in a storm and thinks for safety reasons, they should be removed. Mr. Moore said he spoke with John Woods and once the four trees are down, the Department of Public Works should go out and assess the other trees. Motion to remove these four trees made by Ms. Chadwick-Dias, seconded by Mr. Miller, approved unanimously 4-0-0. Emil said he will send something in writing tomorrow to show the tree company.

### **17 Wareham St. - Enforcement Update**

Emil read an email from Brad Holmes DCR. The shed and front fence have been removed. The property owner is working on other sections of the fence and moved the goats to the back pen. With the recent weather there has been flooding which has halted some of the work. Gary said they have until July 2024 to get everything done and have to have the fencing outside the 65-foot-buffer by March 31, 2024 but understood that flooding was a valid reason to delay the work. Mr. Moore said he trusted Brad to keep the project moving.

## **CONTINUED HEARINGS**

### **276 Meadow Street**

**NOI DEP File: #SE126-678**

Zach on behalf of Barbara Spaulding who is looking to do a two-bedroom house on Meadow Street, off of Bates Road. The Commission had asked them to get all the grading outside the 65-foot-buffer. Two options have been presented. One is a replication plan which will need a variance for the well and the trenching. The second plan would be to fill in an additional 1300 square feet and be replicated. In either plan, the house is still entirely within the 100-foot-buffer. Mr. Moore said the second option doesn't appear to be changing anything and has asked (with the additional 1300 square feet) and reconfigure it to show where the revised 100-foot-buffer is (since they don't approve plans where the dwelling is entirely within that buffer). He explained that the updated by-laws have made the rules more stringent. Connie Shea asked if they have done a site walk, which has been done. He is concerned about the well-being in the 65-foot buffer. Mr. Moore explained that variances are typically made for wells within the 65-foot-buffer because it is a system that lasts about 30-years and vegetation typically comes back. Motion to continue until April 24, 2024 made by Mr. Lake, seconded by Mr. Miller, approved unanimously 4-0-0.

## **NEW PUBLIC HEARINGS**

### **S. Main Street / Lakeview Street**

**Carver Bylaw File: #CARV-001**

Notice of Intent submitted by K & G Development Corporation for the construction of a single-family dwelling with a deck/staircase and any applicable grading and landscaping within 100 feet of a Cranberry Bog being protected under the Carver Wetlands Protection Bylaw and will require a variance from the Bylaw. Mr. Moore explained this is one of three lots that the Town Select Board had not purchased and he saw that a building permit had been issued mistakenly because of the Carver Zoning by-law that would require a variance from the Conservation Commission because of its proximity to a bog. The permit has been given and the work has started. The plans never made it in front of Conservation prior to getting the building permit and now needs an after the fact NOI. Rob Carlzon from Grady Consulting – first noting the well and septic are outside the 100-foot-buffer. The foundation certification has already been completed. Rob explained some of the specifics of both the land and the project. Mr. Moore said there are block retaining walls on either side of the walk-out basement that were being framed today that are not on

the plans. Rob said this is a three-bedroom home, and Mr. Moore was concerned about what would happen to the land over the years. The bog has been determined as upland but Mr. Moore expressed part of this bog could be a wetland bog based on aerial photos he had seen. He continued by saying he would like to see more of the hillside stay intact and would like to see more detail of the soil samples for the other two lots, and to have details about grading. Mr. Moore requested conservation signs be placed on the 65-foot-buffer (roughly every 50 feet on the property) and even a conservation seed mix laid down. Bob explained that the downspouts were going into the ground (meaning no run off). Emil recommended a vegetative buffer zone regardless of whether this is upland or wetland. Ms. Chadwick-Dias said she has received several calls about this and was concerned about precedent they are setting. Mr. Moore reiterated that in this case the permits have been issued but would like more detailed testing on the bog itself for the future. He continued by explaining that the mistake made by the town created a hardship for the property owner and it should be noted that Conservation did not approve this project. Mr. Miller asked when the mistake was found and if it could have been stopped. Mr. Moore brought it to Gary's attention and met with Bob and the building inspector with Gary's signature on it. Mr. Miller was wondering what stage of the project it considered a hardship. Mr. Moore said the entire house is outside the 65-foot-buffer and he cannot recall a situation similar to this and believes the only path forward is an after-the-fact-NOI (which will also serve as a precedent to the two remaining lots). Mr. Miller was concerned that a cease and desist order was not placed once they understood a mistake had been made. Mr. Moore said he does not believe the building permit will be erroneously issued in the future on these lots. The conversation continued about when the hardship is initiated. Gary said that they advised the property owner to operate at his own risk (rather than a cease and desist). The Commission decided they would like a continuance and requested more soil samples from the bog area. Rob explained the results of the soil testing done so far and Mr. Moore said the USGS maps show the old bogs and needed a delineation. Rob said he would have their wetland scientist put a report together for the next meeting. Judy, a resident made a comment about issuing a cease and desist because of their concern with setting a precedent. Resident, Connie Shea also commented on the project, noting the violations of the by-laws, referencing the August 22, 2023 Planning Board Meeting – noting the owner was notified they were operating at their own risk. Mr. Moore asked Connie if the applicant had to come before the Conservation Commission and he said he believed they notified him – stating some of the areas of concerns the Planning Board had. They would like continue until April 24, 2024 with verification about the type of bog with soil samples taken and an overlay done of the USGS maps from the early 1960's on the current configuration of the bog. Motion to continue with the inclusion of a cease of desist order made by Mr. Miller, seconded by Ms. Chadwick-Dias, voted unanimously 4-0-0.

#### **MINUTES**

Motion to approve the minutes from March 20, 2024 made by Mr. Miller, seconded by Ms. Chadwick-Dias, approved unanimously 4-0-0.

#### **UNANTICIPATED**

The Select Board signed the acceptance for the Wade Street property and will come with the plans and the signed deed. The Commission has to submit the registry fee but the plans and surveying was taken care of by the RDA.

Motion to adjourn made by Mr. Miller, seconded by Mr. Lake. Approved unanimously 4-0-0.

Meeting ended 9:18 PM.

Minutes submitted by Ashley Swartz.